

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Broadcast Localism

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MB Docket No. 04-233

To: The Commission

**REPLY COMMENTS OF
STATION RESOURCE GROUP
NATIONAL FEDERATION OF COMMUNITY BROADCASTERS
PUBLIC RADIO CAPITAL**

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June 11, 2008

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To: The Commission

Station Resource Group (“SRG”), National Federation of Community Broadcasters (“NFCB”), and Public Radio Capital (“PRC”) hereby submit these Reply Comments in response to the above-captioned Notice of Proposed Rule Making (“NPRM”) on broadcast localism. SRG is an alliance of 40 leading public radio organizations focused on strategy, policy, and national initiatives. SRG members operate 220 NCE stations. NFCB advocates for public policy, recognition and resources on behalf of 250 community-based public radio stations. PRC works with nonprofit media organizations to enlarge their audiences and increase program choices for people in their communities.

There is substantial agreement among those filing comments in this proceeding¹ that the FCC should either exempt noncommercial educational (“NCE”) radio and TV stations from the regulations proposed, or distinguish NCE from commercial broadcasting in any regulations ultimately adopted. As SRG/NFCB/PRC and other commenters note, a number of factors assure that NCE broadcasting will be committed to public service and responsive to local interests and needs. These factors include the following:

- NCE stations are licensed only to nonprofit organizations that will use the station to advance an educational objective.
- NCE radio stations are subject to different allocation standards than commercial stations. These standards emphasize programming responsive to the entire service area.
- NCE stations are licensed to private tax-exempt organizations and public institutions, such as high schools, community colleges and state universities. Such organizations are subject to state and federal law requirements that require revenues of the station be devoted exclusively to public service and prohibit private inurement.
- Many NCE stations are supported by grants from the Corporation for Public Broadcasting (“CPB”) and the Public Telecommunications Facilities Program (“PTFP”) of the National Telecommunications and Information Administration. Each of these organizations offers incentives

¹ See, e.g. Comments of the Association of Public Television Stations and the Public Broadcasting Service, National Public Radio, Eastern Region Public Media, Western States Public Radio, Minnesota Public Radio.

or imposes restrictions on funds that advance local service. For example, in order to qualify for a Radio Community Service Grant from CPB, the grantee must “originate a significant locally-originated service designed to educate and serve its community of license.” PTFP gives highest priority to applications that will result in “The establishment of new public telecommunications services to areas not currently receiving such services.” 15 C.F.R. § 2301.2(a).

- CPB grantees that are not public institutions must have “community advisory boards,” and hold “open meetings” of their governing board and committees. See 47 U.S.C. § 396(k)(4) and 396(k)(8)(A).
- Most NCE stations obtain the majority of their funding as donations from local listeners. The stations therefore have every incentive to be responsive to the local audiences they serve.
- NCE stations are exempt from the multiple ownership rules imposed on commercial stations, See 47 C.F.R. § 73.3555(f).

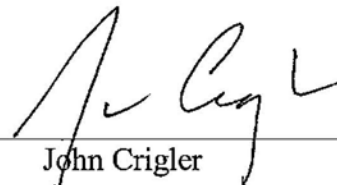
In recognition of these and other factors that distinguish NCE stations from their commercial counterparts, the FCC has exempted NCE stations from “localism” requirements or liberally granted waivers of localism requirements. In particular, the FCC, until recently, did not require NCE radio stations to provide a city grade signal to a particular community of license; either excused NCE stations from ascertainment requirements or permitted NCE stations greater freedom to develop ascertainment procedures appropriate to their educational objectives; excused NCE stations from

quantitative renewal guidelines; and granted waivers of the "main studio" requirement to encourage the delivery of NCE service to remote or sparsely populated areas.

In short, the FCC has historically recognized that the NCE service is quintessentially "local" in nature and has either exempted NCE stations from localism requirements, or has crafted regulations suitable for the unique nature of the noncommercial service. The same result is warranted here.

Respectfully submitted,

STATION RESOURCE GROUP
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